



General Assembly

Substitute Bill No. 5047

February Session, 2002

AN ACT CONCERNING 21ST CENTURY UCONN.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (10) of subsection (a) of section 10a-109d of
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2002*):

4 (10) To borrow money and issue securities to finance the acquisition,
5 construction, reconstruction, improvement or equipping of any one
6 project, or more than one, or any combination of projects, or to refund
7 securities issued after June 7, 1995, or to refund any such refunding
8 securities or for any one, or more than one, or all of those purposes, or
9 any combination of those purposes, and to provide for the security and
10 payment of those securities and for the rights of the holders of them,
11 except that the amount of any such borrowing, the special debt service
12 requirements for which are secured by the state debt service
13 commitment, exclusive of the amount of borrowing to refund
14 securities, or to fund issuance costs or necessary reserves, may not
15 exceed the aggregate principal amount of (A) [nine hundred eighty
16 million dollars and (B)] for the fiscal years ending June 30, 1997, to
17 June 30, 2006, inclusive, one billion thirty million dollars, (B) for the
18 fiscal years ending June 30, 2007, to June 30, 2016, inclusive, one billion
19 two hundred fifty million dollars, and (C) such additional amount or
20 amounts: (i) Required from time to time to fund any special capital
21 reserve fund or other debt service reserve fund in accordance with the

22 financing transaction proceedings, and (ii) to pay or provide for the
 23 costs of issuance and capitalized interest, if any; the aggregate amounts
 24 of subparagraphs [(A) and (B)] (A), (B) and (C) of this subdivision are
 25 established as the authorized funding amount, and no borrowing
 26 within the authorized funding amount for a project or projects may be
 27 effected unless the project or projects are included in accordance with
 28 subsection (a) of section 10a-109e, as amended by this act.

29 Sec. 2. Subsection (a) of section 10a-109e of the general statutes is
 30 repealed and the following is substituted in lieu thereof (*Effective July*
 31 *1, 2002*):

32 (a) The university may administer, manage, schedule, finance,
 33 further design and construct UConn 2000, to operate and maintain the
 34 components thereof in a prudent and economical manner and to
 35 reserve for and make renewals and replacements thereof when
 36 appropriate, it being hereby determined and found to be in the best
 37 interest of the state and the university to provide this independent
 38 authority to the university along with providing assured revenues
 39 therefor as the efficient and cost effective course to achieve the
 40 objective of avoiding further decline in the physical infrastructure of
 41 the university and to renew, modernize, enhance and maintain such
 42 infrastructure, the particular project or projects, each being hereby
 43 approved as a project of UConn 2000, and the presently estimated cost
 44 thereof being as follows:

T1	UConn 2000 Project	Phase I	Phase II	<u>Phase III</u>
		Fiscal Years	Fiscal Years	<u>Fiscal Years</u>
		1996-1999	2000-2005	<u>2006-2015</u>
T2				
T3	Agricultural Biotechnology			
T4	Facility	9,400,000		
T5				

T6	Agricultural Biotechnology		
T7	Facility Completion	10,000,000	
T8			
T9	Alumni Quadrant		
T10	Renovations	14,338,000	
T11			
T12	<u>Arjona and Monteith</u>		
T13	<u>(new classroom buildings)</u>		<u>66,100,000</u>
T14			
T15	<u>Avery Point Campus</u>		
T16	<u>Undergraduate and</u>		
T17	<u>Library Building</u>		<u>35,000,000</u>
T18			
T19	Avery Point Marine		
T20	Science Research Center -		
T21	Phase I	34,000,000	
T22			
T23	Avery Point Marine		
T24	Science Research Center -		
T25	Phase II	16,682,000	
T26			
T27	Avery Point Renovation	5,600,000	
T28			
T29	Babbidge Library	0	
T30			
T31	Balancing Contingency	5,506,834	
T32			
T33	Beach Hall Renovations	[994,000]	<u>10,000,000</u>
T34			

T35	[Beach Hall Renovation]		
T36	[Completion]	[7,758,000]	
T37			
T38	[Benton State Art Museum]		
T39	[Addition]	[3,665,000]	
T40			
T41	Benton State Art Museum		
T42	[Completion] <u>Addition</u>	1,400,000	<u>3,000,000</u>
T43			
T44	<u>Biobehavioral Complex</u>		
T45	<u>Replacement</u>		<u>4,000,000</u>
T46			
T47	<u>Bishop Renovation</u>		<u>8,000,000</u>
T48			
T49	Budds Building		
T50	Renovation	2,805,000	
T51			
T52	Business School		
T53	Renovation	4,803,000	
T54			
T55	Chemistry Building	53,700,000	
T56			
T57	<u>Commissary Warehouse</u>		<u>1,000,000</u>
T58			
T59	Deferred Maintenance/		
T60	Code/ADA Renovation		
T61	Lump Sum	39,332,000	<u>215,000,000</u>
T62			
T63	Deferred Maintenance &		

T64	Renovation Lump Sum		
T65	Balance	104,668,000	
T66			
T67	East Campus North		
T68	Renovations	11,820,000	
T69			
T70	<u>Engineering Building</u>		
T71	<u>(with Environmental</u>		
T72	<u>Research Institute)</u>		<u>42,700,000</u>
T73			
T74	Equine Center	1,000,000	
T75			
T76	Equipment, Library		
T77	Collections &		
T78	Telecommunications	60,500,000	<u>200,000,000</u>
T79			
T80	Equipment, Library		
T81	Collections &		
T82	Telecommunications		
T83	Completion	182,118,146	
T84			
T85	<u>Family Studies (DRM)</u>		
T86	<u>Renovation</u>		<u>6,500,000</u>
T87			
T88	<u>Farm Buildings Repairs/</u>		
T89	<u>Replacement</u>		<u>6,000,000</u>
T90			
T91	<u>Fine Arts Phase II</u>		<u>20,000,000</u>
T92			

T93	<u>Floriculture Greenhouse</u>	<u>3,000,000</u>
T94		
T95	<u>Gant Building Renovations</u>	<u>40,000,000</u>
T96		
T97	Gant Plaza Deck	0
T98		
T99	<u>Gentry Completion</u>	<u>10,000,000</u>
T100		
T101	Gentry Renovation	9,299,000
T102		
T103	Grad Dorm Renovations	7,548,000
T104		
T105	Gulley Hall Renovation	1,416,000
T106		
T107	Hartford Relocation	
T108	Acquisition/Renovation	56,762,020
T109		
T110	Hartford Relocation Design	1,500,000
T111		
T112	Hartford Relocation	
T113	Feasibility Study	500,000
T114		
T115	Heating Plant Upgrade	10,000,000
T116		
T117	Hilltop Dormitory New	30,000,000
T118		
T119	Hilltop Dormitory	
T120	Renovations	3,141,000

T121			
T122	Ice Rink Enclosure	2,616,000	
T123			
T124	<u>Incubator Facilities</u>		<u>10,000,000</u>
T125			
T126	International House		
T127	Conversion	800,000	
T128			
T129	<u>Intramural, Recreational</u>		
T130	<u>and Intercollegiate Facilities</u>		<u>31,000,000</u>
T131			
T132	<u>Jorgensen Renovation</u>		<u>7,200,000</u>
T133			
T134	<u>Koons Hall Renovation/</u>		
T135	<u>Addition</u>		<u>7,000,000</u>
T136			
T137	<u>Lakeside Renovation</u>		<u>3,800,000</u>
T138			
T139	<u>Law School Renovations/</u>		
T140	<u>Improvements</u>		<u>15,000,000</u>
T141			
T142	<u>Library Storage Facility</u>		<u>5,000,000</u>
T143			
T144	Litchfield Agricultural		
T145	Center- Phase I	1,000,000	
T146			
T147	Litchfield Agricultural		
T148	Center-Phase II	700,000	
T149			

T150	[Manchester & DRM Hall]		
T151	[Renovation]	[7,472,000]	
T152			
T153	<u>Manchester Hall</u>		
T154	<u>Renovation</u>		<u>6,000,000</u>
T155			
T156	Mansfield Apartments		
T157	Renovation	2,612,000	
T158			
T159	Mansfield Training School		
T160	Improvements	27,614,000	<u>29,000,000</u>
T161			
T162	[Monteith Renovation]	[8,234,000]	
T163			
T164	<u>Natural History Museum</u>		
T165	<u>Completion</u>		<u>4,900,000</u>
T166			
T167	North Campus Renovation	2,654,000	
T168			
T169	North Campus Renovation		
T170	Completion	21,049,000	
T171			
T172	<u>North Hillside Road</u>		
T173	<u>Completion</u>		<u>11,500,000</u>
T174			
T175	North Superblock Site		
T176	and Utilities	8,000,000	
T177			
T178	Northwest Quadrant		

T179	Renovation	2,001,000	
T180			
T181	Northwest Quadrant		
T182	Renovation	15,874,000	
T183			
T184	<u>Observatory</u>		<u>1,000,000</u>
T185			
T186	<u>Parking Garage #3</u>		<u>15,000,000</u>
T187			
T188	Parking Garage – North	10,000,000	
T189			
T190	Parking Garage – South	15,000,000	
T191			
T192	Pedestrian Spinepath	2,556,000	
T193			
T194	Pedestrian Walkways	3,233,000	
T195			
T196	<u>Psychology Building</u>		
T197	<u>Renovation/ Addition</u>		<u>20,000,000</u>
T198			
T199	<u>Residential Life Facilities</u>		<u>90,000,000</u>
T200			
T201	Roadways	10,000,000	
T202			
T203	School of Business	20,000,000	
T204			
T205	School of Pharmacy/ <u>Biology</u>	3,856,000	
T206			
T207	School of Pharmacy/ <u>Biology</u>	[37,594,000]	

T208	Completion		<u>61,058,000</u>
T209			
T210	Shippee/Buckley		
T211	Renovations		6,156,000
T212			
T213	Social Science K Building		20,964,000
T214			
T215	South Campus Complex	13,127,000	
T216			
T217	<u>Stamford Campus</u>		
T218	<u>Improvements</u>		<u>3,000,000</u>
T219			
T220	Stamford Downtown	[41,000,000]	
T221	Relocation-Phase I	<u>45,659,000</u>	
T222			
T223	Stamford Downtown		
T224	Relocation-Phase II		17,392,000
T225			
T226	<u>Storrs Hall Addition</u>		<u>4,300,000</u>
T227			
T228	<u>Student Health Services</u>		<u>12,000,000</u>
T229			
T230	Student Union Addition		23,000,000
T231			
T232	<u>Support Facility</u>		
T233	<u>(Architectural and</u>		
T234	<u>Engineering Services)</u>		<u>2,000,000</u>
T235			
T236	Technology Quadrant-		

T237	Phase 1A	38,000,000	
T238			
T239	Technology Quadrant-		
T240	Phase IB	16,611,000	
T241			
T242	Technology Quadrant-		
T243	Phase II	72,000,000	
T244			
T245	Technology Quadrant-		
T246	Phase III	15,000,000	
T247			
T248	Torrey Life Science		
T249	Renovation	17,000,000	
T250			
T251	<u>Torrey Renovation</u>		
T252	<u>Completion and Biology</u>		
T253	<u>Expansion</u>		<u>48,000,000</u>
T254			
T255	<u>Torrington Campus</u>		
T256	<u>Improvements</u>		<u>1,000,000</u>
T257			
T258	Towers Renovation	17,794,000	
T259			
T260	<u>UConn Products Store</u>		<u>1,000,000</u>
T261			
T262	Undergraduate Education		
T263	Center	650,000	
T264			
T265	Undergraduate Education		

T266	Center	7,450,000
T267		
T268	Underground Steam &	
T269	Water Upgrade	3,500,000
T270		
T271	Underground Steam &	
T272	Water Upgrade	
T273	Completion	9,000,000
T274		
T275	University Programs	
T276	Building - Phase I	8,750,000
T277		
T278	University Programs	
T279	Building - Phase II	
T280	Visitors Center	300,000
T281		
T282	Waring Building Conversion	7,888,000
T283		
T284	<u>Waterbury Downtown</u>	
T285	<u>Campus</u>	<u>3,000,000</u>
T286		
T287	Waterbury Property	
T288	Purchase	325,000
T289		
T290	West Campus Renovations	14,897,000
T291		
T292	<u>West Hartford Campus</u>	
T293	<u>Renovations/</u>	
T294	<u>Improvements</u>	<u>25,000,000</u>

T295		
T296	White Building Renovation	2,430,000
T297		
T298	Wilbur Cross Building	
T299	Renovation	3,645,000
T300		
T301	<u>Young Building Renovation</u>	
T302	<u>/Addition</u>	<u>17,000,000</u>
T303		
T304	<u>HEALTH CENTER</u>	
T305		
T306	<u>CLAC Renovation</u>	
T307	<u>Biosafety Level 3 Lab</u>	<u>14,000,000</u>
T308		
T309	<u>Deferred Maintenance/</u>	
T310	<u>Code/ADA Renovation</u>	
T311	<u>Sum - Health Center</u>	<u>50,000,000</u>
T312		
T313	<u>Dental School Renovation</u>	<u>5,000,000</u>
T314		
T315	<u>Equipment, Library</u>	
T316	<u>Collections and</u>	
T317	<u>Telecommunications -</u>	
T318	<u>Health Center</u>	<u>75,000,000</u>
T319		
T320	<u>Library/Student Computer</u>	
T321	<u>Center Renovation</u>	<u>5,000,000</u>
T322		

T323	<u>Main Building Renovation</u>	<u>75,000,000</u>
T324		
T325	<u>Medical School Academic</u>	
T326	<u>Building Renovation</u>	<u>9,000,000</u>
T327		
T328	<u>Parking Garage - Health</u>	
T329	<u>Center</u>	<u>8,400,000</u>
T330		
T331	<u>Research Tower</u>	<u>60,000,000</u>
T332		
T333	<u>Support Building Addition/</u>	
T334	<u>Renovation</u>	<u>4,000,000</u>
T335		
T336	<u>Total - Storrs and Regional</u>	
T337	<u>Campus Project List</u>	<u>1,043,000,000</u>
T338		
T339	<u>Total - Health Center</u>	
T340	<u>Project List</u>	<u>305,400,000</u>
T341		
T342	TOTAL	382,000,000 868,000,000 <u>1,348,400,000</u>

45 Sec. 3. Subsection (a) of section 10a-109f of the general statutes is
46 repealed and the following is substituted in lieu thereof (*Effective July*
47 *1, 2002*):

48 (a) The university may, when directed by vote of its board of
49 trustees and subject to the limitations in the authorized funding
50 amount, borrow money and enter into financing transactions
51 proceedings in anticipation of assured revenues or project revenues in
52 the name of the university, on behalf of the state, and issue securities in

53 connection with such proceedings, as follows: (1) To finance the cost of
54 UConn 2000 or any one project thereof, or more than one, or any
55 combination of projects thereof; [(2) to finance any temporary cash
56 flow deficit or temporary operating deficit that the board of trustees
57 anticipate will be fully paid with the proceeds of assured revenues or
58 the proceeds of securities dedicated to that purpose; (3)] (2) to refund
59 securities issued pursuant to sections 10a-109a to 10a-109y, inclusive,
60 as amended by this act; [(4)] and (3) to refund any such refunding
61 borrowings. All securities issued in connection with assured revenues
62 or project revenues financing transaction proceedings entered into
63 pursuant to this section shall be authorized by a resolution approved
64 by not less than a majority vote of its board of trustees.

65 Sec. 4. Subdivision (1) of subsection (a) of section 10a-109g of the
66 general statutes is repealed and the following is substituted in lieu
67 thereof (*Effective July 1, 2002*):

68 (a) (1) The university is authorized to provide by resolution, at one
69 time or from time to time, for the issuance and sale of securities, in its
70 own name on behalf of the state, pursuant to section 10a-109f, as
71 amended by this act. The board of trustees of the university is hereby
72 authorized by such resolution to delegate to its finance committee such
73 matters as it may determine appropriate other than the authorization
74 and maximum amount of the securities to be issued, the nature of the
75 obligation of the securities as established pursuant to subsection (c) of
76 this section and the projects for which the proceeds are to be used. The
77 finance committee may act on such matters unless and until the board
78 of trustees elects to reassume the same. The amount of securities the
79 special debt service requirements which are secured by the state debt
80 service commitment that the board of trustees is authorized to provide
81 for the issuance and sale in accordance with this subsection shall be
82 capped in each fiscal year in the following amounts provided, to the
83 extent the board of trustees does not provide for the issuance of all or a
84 portion of such amount in a fiscal year, all or such portion, as the case
85 may be, may be carried forward to any succeeding fiscal year and
86 provided further, the actual amount for funding, paying or providing

87 for the items described in subparagraph [(B)] (C) of subdivision (10) of
88 subsection (a) of section 10a-109d, as amended by this act, may be
89 added to the capped amount in each fiscal year:

T343	Fiscal Year	Amount
T344	1996	\$112,542,000
T345	1997	112,001,000
T346	1998	93,146,000
T347	1999	64,311,000
T348	2000	130,000,000
T349	2001	100,000,000
T350	2002	100,000,000
T351	2003	100,000,000
T352	2004	100,000,000
T353	[2005	50,000,000]
T354	<u>2005</u>	<u>100,000,000</u>
T355	<u>2006</u>	<u>79,000,000</u>
T356	<u>2007</u>	<u>89,000,000</u>
T357	<u>2008</u>	<u>120,000,000</u>
T358	<u>2009</u>	<u>155,000,000</u>
T359	<u>2010</u>	<u>160,500,000</u>

T360	<u>2011</u>	<u>161,500,000</u>
T361	<u>2012</u>	<u>138,100,000</u>
T362	<u>2013</u>	<u>129,500,000</u>
T363	<u>2014</u>	<u>126,500,000</u>
T364	<u>2015</u>	<u>90,900,000</u>

90 Sec. 5. Subsection (c) of section 10a-109g of the general statutes is
 91 repealed and the following is substituted in lieu thereof (*Effective July*
 92 *1, 2002*):

93 (c) Securities issued by the university may be issued under an
 94 indenture of trust or bond resolution, shall be general obligations of
 95 the university, for which its full faith and credit shall be pledged,
 96 payable out of any revenues or other assets, receipts, funds or moneys
 97 of the university and may be additionally secured by a pledge of
 98 revenues to be derived from the operation of a project, by assured
 99 revenues and by other assets other than a mortgage, subject only to
 100 any agreements with the holders of particular securities pledging any
 101 particular assets, revenues, receipts, funds or moneys, unless the
 102 university shall otherwise expressly provide by the indenture or
 103 resolution that such securities shall be special obligations of the
 104 university payable solely from any revenues or other assets, including
 105 project revenues, such assured revenues that may be restricted by the
 106 terms of receipt thereof to a particular project or projects to be financed
 107 by such special obligations subject only to any agreements with the
 108 holders of particular securities pledging any particular assets,
 109 revenues, receipts, funds or moneys. The form of the master resolution
 110 or indenture for securities, the special debt service requirements for
 111 which, are secured by the state debt service commitment and
 112 containing the state covenant pursuant to section 10a-109u shall be
 113 approved by the State Bond Commission prior to the first issue of such

114 securities and any substantive amendment thereof shall also be
115 approved by the State Bond Commission. At such time as the master
116 resolution or indenture is submitted to the State Bond Commission the
117 university shall file with the State Bond Commission the list of projects
118 to be financed by securities secured by the state debt service
119 commitment for the second phase of UConn 2000. The form of the
120 master resolution or indenture for securities for the third phase of
121 UConn 2000, the special debt requirements for which are secured by
122 the state debt service commitment and containing the state covenant
123 pursuant to section 10a-109u, shall be approved by the State Bond
124 Commission prior to the first issue of such securities and any
125 substantive amendment thereof shall also be approved by the State
126 Bond Commission. At such time as the master resolution or indenture
127 for the third phase of UConn 2000 is submitted to the State Bond
128 Commission, the university shall file with the State Bond Commission
129 the list of projects to be financed by securities secured by the state debt
130 service commitment for the third phase of UConn 2000.

131 Sec. 6. Subsection (g) of section 10a-109g of the general statutes is
132 repealed and the following is substituted in lieu thereof (*Effective July*
133 *1, 2002*):

134 (g) The proceeds of the securities of [each] any issue shall be used
135 solely for the purpose or purposes [for which such securities shall have
136 been authorized] identified in the master indenture, and shall be
137 disbursed in such manner and under such restrictions, if any, as the
138 university may provide in the resolution authorizing the issuance of
139 such securities or in the indenture or resolution securing the same. The
140 university shall not lease or finance or lease-finance any land or
141 building outside the Storrs campus through any other state agency or
142 quasi-public agency other than those leases, financings or lease
143 purchases in the ordinary course of its activities and provided the
144 annual expenditure thereof during the period of agreements related
145 thereto whether expressed as rent, debt service, lease purchase
146 payments or the like does not exceed for each item which is the subject
147 matter of the lease, finance or lease-finance agreement, fifty thousand

148 dollars in any year and such limitation shall apply so long as the
149 university is authorized in accordance with subsection (a) of this
150 section to issue securities under sections 10a-109a to 10a-109y,
151 inclusive, as amended by this act. The resolution providing for the
152 issuance of securities, and any indenture or resolution securing such
153 securities, may contain such limitations upon the issuance of
154 additional securities as the university may deem proper, and such
155 additional securities shall be issued under such restrictions and
156 limitations as may be prescribed by such indenture or resolution
157 provided, no such resolution or indenture shall include a covenant
158 committing the university to the issuance of additional securities
159 secured by a pledge of the state debt service commitment. The
160 university may provide for the replacement of any securities which
161 become mutilated, or are destroyed, stolen or lost. Securities may be
162 issued under sections 10a-109a to 10a-109y, inclusive, as amended by
163 this act, without obtaining the consent of any department, division,
164 commission, board, bureau, or agency of the state and without any
165 other proceedings or the happening of any other conditions or things
166 other than those proceedings, conditions or things which are
167 specifically required by sections 10a-109a to 10a-109y, inclusive, as
168 amended by this act.

169 Sec. 7. Section 10a-109n of the general statutes is repealed and the
170 following is substituted in lieu thereof (*Effective July 1, 2002*):

171 [(a) At the request of the university, filed with the Commissioner of
172 Public Works, the university may assume, and thereafter]

173 (a) The university shall, have charge and supervision of the design,
174 planning, acquisition, remodeling, alteration, repair, enlargement,
175 demolition of any real asset or any other project [, which is authorized
176 and underway as of June 7, 1995] on its campuses.

177 (b) (1) The university shall cause to be prepared, proposed
178 construction standards for all projects. The proposed standards shall,
179 subject to applicable law, include, among other things, provisions

180 relating to the quality and type of materials to be used, provisions for
181 safety, fire protection, health and sanitation, provisions for the
182 installation of fixtures, furnishings, equipment, machinery and
183 apparatus, and construction features.

184 (2) Pursuant to such construction standards in effect at such time,
185 the university shall cause to be prepared, within the costs available
186 therefor, the detailed plans and specifications for each project. The
187 university may from time to time modify, or authorize modifications
188 to, such detailed plans and specifications, provided the plans and
189 specifications as so modified shall comply with the construction
190 standards, if any, adopted pursuant to sections 10a-109a to 10a-109y,
191 inclusive, and in effect at the time of the modifications, and the
192 provisions of section 10a-109e, as amended by this act, are complied
193 with.

194 (3) The university shall identify the scope of work and hire, and
195 contract with persons with the necessary experience and capability to
196 perform such scope of work.

197 (4) The university may contract with a design professional for the
198 design of any project, with a general contractor for the construction of
199 any project; and with one or more prime trade contractors with respect
200 to such construction work if the university determines that to do so
201 will be in the public interest of the state.

202 (c) (1) Any construction contract to which the university is a party
203 may include a provision that the design professional who designed the
204 project, or an architect or professional engineer or construction
205 manager retained or employed specifically for the purpose of
206 supervision, may supervise the work to be performed through to
207 completion and ensure that the materials furnished and the work
208 performed are in accordance with the drawings, plans, specifications
209 and contracts therefor.

210 (2) With respect to any construction contract that is to be publicly
211 let, the university shall identify a list of potentially responsible

212 qualified bidders for the particular contract. Thereafter, the university
213 shall give notice to those on the list of the work required and of the
214 invitation to prequalify. The invitation to prequalify shall contain such
215 information as the university shall deem appropriate and a statement
216 of the time and place where the responses shall be received. Upon
217 receipt of such responses, the university shall select each bidder which
218 has shown itself able to post surety bonds required by such contract
219 and has demonstrated that it possesses the financial, managerial and
220 technical ability and the integrity necessary and without conflict of
221 interest for faithful and efficient performance of the work provided for
222 therein. The university shall evaluate whether a bidder is responsible
223 and qualified based on its experience with projects similar to that for
224 which the bid is to be submitted and based on objective written criteria
225 and included in the request for prequalification with respect to such
226 contract. The university shall also consider whether a bidder, and any
227 subcontractor on the bidder's previous projects, has been in
228 compliance with the provisions of part III of chapter 557 and chapter
229 558 during the previous five calendar years.

230 (3) The university shall thereafter give notice to those so
231 prequalified of the time and place where the public letting shall occur
232 and shall include in such notice such information of the work required
233 as appropriate. Each bid shall be kept sealed until opened publicly at
234 the time and place as set forth in the notice soliciting such bid. The
235 university shall not award any construction contract after public
236 letting, except to the responsible qualified bidder, submitting the
237 lowest bid in compliance with the bid requirements. The university
238 may, however, waive any informality in a bid, and may either reject all
239 bids and again advertise for bids or interview at least three responsible
240 qualified bidders and negotiate and enter into with any one of such
241 bidders that construction contract which is both fair and reasonable to
242 the university.

243 (4) The invitation to bid and the construction contract awarded by
244 the university shall contain such other terms and conditions, and such
245 provisions for penalties as the university may deem appropriate.

246 (5) No payments shall be made by the university on account of any
247 contract for the project awarded by or for the university until the bills
248 or estimates presented for such payment shall have been duly certified
249 to be correct by the university. No payments shall be made from any
250 other fund on account of any contract for any project awarded by or
251 for the university until the bills or estimates presented for such
252 payment shall have been duly certified to be correct by the university.

253 (6) Provision shall be made in each contract to the effect that
254 payment is limited to the amount provided therein and that no liability
255 of the university or state shall and may be incurred beyond such
256 amount.

257 (7) The university shall require, for the protection of the state and
258 the university, such deposits, bonds and security in connection with
259 the submission of bids, the award of construction contracts and the
260 performance of work as the university shall determine to be
261 appropriate and in the public interest of the state.

262 (8) Any contract awarded by the university shall be a contract with
263 the state acting through the university.

264 (d) For the purposes of part III of chapter 557, a project undertaken
265 by the university shall be deemed to be a state public works project
266 and consist of public buildings.

267 (e) (1) Notwithstanding any provision of the general statutes, [to the
268 contrary,] any license, permit, and approval required or permitted to
269 be issued and any administrative action required or permitted to be
270 taken pursuant to the general statutes in connection with any project
271 by the university shall be issued or taken upon application to the
272 particular commissioner or commissioners having jurisdiction over
273 such license, permit, approval or other administrative action or such
274 other state official as such commissioner shall designate. As used in
275 this section, the term commissioner shall mean commissioners if more
276 than one commissioner has jurisdiction over the subject matter and
277 their designee, if any. No agency, commission, council, committee,

278 panel or other body whatsoever other than such commissioner shall
279 have jurisdiction over or cognizance of any licenses, permits,
280 approvals or administrative actions concerning any project and no
281 notice of any tentative determination or any final determination
282 regarding any such license, permit, approval or administrative action
283 and no notice of any such license, permit, approval or administrative
284 action shall be required except as expressly provided pursuant to this
285 subsection. For purposes of sections 10a-109a to 10a-109y, inclusive, as
286 amended by this act, a capital project is a state facility and accordingly,
287 no ordinance, law or regulation promulgated by or any authority
288 granted to any municipality or any other political subdivision of the
289 state shall apply to a capital project. [The State Properties Review
290 Board shall have jurisdiction over any project in the same manner as
291 provided in chapter 60 for a priority higher education facility project.]
292 Such commissioner may issue licenses and permits, give such approval
293 and take such administrative action as shall be necessary or desirable.

294 (2) All applications, supporting documentation and other records
295 submitted to the commissioner and pertaining to any application for
296 any license, permit, approval or other administrative action, together
297 with all records of the proceedings of the commissioner relating to any
298 license, permit, approval or administrative action shall be a public
299 record and shall be made, maintained and disclosed in accordance
300 with the Freedom of Information Act, as defined in section 1-200, as
301 amended.

302 (3) All applications for licenses, permits, approvals and other
303 administrative action required by any applicable provision of the
304 general statutes shall be submitted to the commissioner as provided in
305 subdivision (1) of this subsection. [The commissioner shall adopt a
306 master process to consider multiple licenses, permits, approvals and
307 administrative actions to the extent practicable. Each license or permit
308 shall be issued, approval shall be granted and administrative action
309 shall be taken not later than ten business days after the date of
310 submission of any application for such license, permit, approval or
311 administrative action to the commissioner. Each application for a

312 license or permit shall be deemed to have been issued, approval shall
313 be deemed to have been granted and administrative action shall be
314 deemed to have been taken as requested unless such application has
315 been denied, or conditionally issued prior to the close of business on
316 the tenth business day after either the date of submission of such
317 application, or a hearing is held on such application pursuant to this
318 section.]

319 (4) (A) Any hearing regarding all or any part of any project,
320 provided for by this section, shall be conducted by the particular
321 commissioner having jurisdiction over the applicable license, permit,
322 approval or other administrative action. Legal notice of such hearing
323 shall be published in a newspaper having general circulation in an area
324 which includes the municipality in which the particular part of such
325 project is proposed to be built or is being built not more than ten nor
326 less than five days in advance of such hearing.

327 (B) In rendering any decision in connection with any project, the
328 commissioner shall weigh all competent material and substantial
329 evidence presented by the applicant and the public in accordance with
330 the applicable statute. The commissioner shall issue written findings
331 and determinations upon which its decision is based. Such findings
332 and determinations shall consist of evidence presented including such
333 matters as the commissioner deems appropriate, provided such
334 matters, to the extent applicable to the particular permit, shall include
335 the nature of any major adverse health and environmental impact of
336 any project. The commissioner may reverse or modify any order or
337 action at any time on the commissioner's own motion. The procedure
338 for such reversal or modification shall be the same as the procedure for
339 the original proceeding.

340 (C) Any administrative action taken by any commissioner in
341 connection with any project may be appealed by an aggrieved party to
342 the superior court for the judicial district of New Britain in accordance
343 with the provisions of section 4-183, except as otherwise provided in
344 sections 10a-109a to 10a-109y, inclusive, as amended by this act. Such

345 appeal shall be brought within ten days of the date of mailing to the
346 parties to the proceeding of a notice of such order, decision or action
347 by certified mail, return receipt requested, and the appellant shall
348 serve a copy of the appeal on each party listed in the final decision at
349 the address shown in such decision. Failure to make such service
350 within such ten days on parties other than the commissioner who
351 rendered the final decision may not, in the discretion of the court,
352 deprive the court of jurisdiction over such appeal. Within ten days
353 after the service of such appeal, or within such further time as may be
354 allowed by the court, the commissioner which rendered such decision
355 shall cause any portion of the record that had not been transcribed to
356 be transcribed and shall cause either the original or a certified copy of
357 the entire record of the proceeding appealed from to be transmitted to
358 the reviewing court. Such record shall include the commissioner's
359 findings of fact and conclusions of law, separately stated. If more than
360 one commissioner has jurisdiction over the matter, such
361 commissioners shall issue joint findings of fact and conclusions of law.
362 Such appeal shall state the reasons upon which it is predicated and,
363 notwithstanding any provisions of the general statutes to the contrary,
364 shall not stay the development of any project. The commissioner which
365 rendered such decision shall appear as the respondent. Such appeals to
366 the superior court shall each be privileged matters and shall be heard
367 as soon after the return date as practicable. A court shall render its
368 decision not later than twenty-one days after the date that the entire
369 record, with the transcript, is filed with the court by the commissioner
370 who rendered the decision.

371 (D) The court shall not substitute its judgment for that of the
372 commissioner as to the weight of the evidence presented on a question
373 of fact. The court shall affirm the decision of the commissioner unless
374 the court finds that substantial rights of the party appealing such
375 decision have been materially prejudiced because the findings,
376 inferences, conclusions or decisions of the commissioner are: (i) In
377 violation of constitutional or statutory provisions, (ii) in excess of the
378 statutory authority of the commissioner, (iii) made upon unlawful

379 procedure, (iv) affected by an error of law, (v) clearly erroneous in
380 view of the reliable, probative and substantial evidence on the whole
381 record, or (vi) arbitrary, capricious or characterized by abuse of
382 discretion or clearly unwarranted exercise of discretion.

383 (E) If the court finds material prejudice, it may sustain the appeal.
384 Upon sustaining an appeal, the court may render a judgment which
385 modifies the decision of the commissioner, orders particular action of
386 the commissioner or orders the commissioner to take such action as
387 may be necessary to effect a particular action and the commissioner
388 may issue a permit consistent with such judgment. Notwithstanding
389 the foregoing, an applicant may file an amended application and the
390 commissioner may, pursuant to the procedures set forth in sections
391 10a-109a to 10a-109y, inclusive, consider an amended application for
392 an order, permit or other administrative action following court action.

393 (F) Notwithstanding the provisions of section 3-125, in consultation
394 with the Attorney General, the university is authorized and may use
395 the legal services of any private attorney, in connection with the
396 construction, operation and maintenance of any project. The board of
397 trustees shall determine the effective and efficient method or methods
398 of legal services to accomplish the construction, operation and
399 maintenance of all projects, taking into account the capacity, cost and
400 expense of private counsel for such services and the capacity and
401 direct and indirect cost and expense of and identified by the Attorney
402 General for such services.

403 (f) On or before December thirty-first and June thirtieth of each year,
404 the university shall submit a report to the joint standing committee of
405 the General Assembly having cognizance of matters relating to finance,
406 revenue and bonding. Such report shall include the following
407 information: (1) The names and addresses of contractors and
408 subcontractors performing repair, addition, alteration and new
409 construction on the university's campuses in the previous six calendar
410 months, (2) the extent to which such contractors and subcontractors
411 have been in compliance with the provisions of part III of chapter 557

412 and the provisions of chapter 558, and (3) any actions taken by the
413 university to cooperate with the Labor Department in the enforcement
414 of said provisions.

415 Sec. 8. Section 10a-109x of the general statutes is repealed and the
416 following is substituted in lieu thereof (*Effective July 1, 2002*):

417 (a) Not later than October 1, [1995] 2002, and semiannually
418 thereafter, the university shall report to the Governor and the joint
419 standing committees of the General Assembly having cognizance of
420 matters relating to the Department of Education, to finance, revenue
421 and bonding, and to appropriations and the budgets of state agencies
422 on the status and progress of UConn 2000. Each report shall include,
423 but not be limited to: (1) Information on the number of projects and
424 securities authorized, approved and issued hereunder including,
425 relative to such projects, project costs, timeliness of completion and
426 any problems which have developed in implementation, and a
427 schedule of projects remaining and their expected costs; (2) the amount
428 of revenue available from all sources for such remaining projects and
429 expected receipts for such remaining projects for the succeeding four
430 quarters; (3) the amount of money raised from private sources for the
431 capital and endowment programs and the progress made in the
432 development and implementation of the fund-raising program; and (4)
433 any cooperative activities with other public and independent
434 institutions of higher education commenced in the preceding six
435 months. Each such report shall, for the preceding six-month period,
436 (A) specify the moneys credited to such fund on account of, or derived
437 from, each source of state and federal revenue, (B) specify the amount
438 of investment earnings from the fund, (C) specify the moneys from
439 such fund applied and expended for (i) the payment of debt service
440 requirements, (ii) the payment of the principal of and interest on
441 securities issued hereunder and general obligation bonds of the state
442 issued for university capital improvement purposes, and (iii) each
443 budgeted account under the annual budget appropriation made to the
444 university.

445 (b) Commencing January 1, 2000, the first semiannual report in each
446 year submitted in accordance with subsection [(b)] (a) of this section
447 shall include such information as requested by the bonding
448 subcommittee of the joint standing committee of the General Assembly
449 having cognizance of matters relating to finance, revenue and bonding,
450 including but not limited to: (1) The use of bond funds in the current
451 fiscal year, (2) projected use of bond funds for the next succeeding
452 fiscal year, (3) an updated master plan for the balance of the project,
453 and (4) the use of Connecticut-owned businesses, including businesses
454 owned by women and minorities. In the event that said bonding
455 subcommittee determines that there has been a significant change in
456 the economic circumstances of the state sufficient to warrant
457 recommendations for modification of the program, the subcommittee
458 may make recommendations for appropriate action to said committee.

459 Sec. 9. Section 10a-109y of the general statutes is repealed and the
460 following is substituted in lieu thereof (*Effective July 1, 2002*):

461 On January 15, [1999] 2006, and January 15, 2011, the university
462 shall submit to the Governor and to the joint standing committees of
463 the General Assembly having cognizance of matters relating to
464 education and finance, revenue and bonding, a [four-year] five-year
465 UConn 2000 performance review report detailing for each project
466 undertaken to date under the program the progress made and the
467 actual expenditures compared to original estimated costs. In addition,
468 the report shall include a summary of programs, services and facilities
469 which the university coordinates with other public and independent
470 institutions of higher education. Not later than sixty calendar days
471 after receipt of said report, such joint committees shall consider the
472 report and determine whether there has been insufficient progress in
473 implementation of UConn 2000 or whether there has been significant
474 cost increases over original estimates as a result of actions taken by the
475 university. If so, the committees may make recommendations for
476 appropriate action to the university and to the General Assembly.

477 Sec. 10. (*Effective July 1, 2002*) Section 10a-109w of the general

478 statutes is repealed.

This act shall take effect as follows:	
Section 1	<i>July 1, 2002</i>
Sec. 2	<i>July 1, 2002</i>
Sec. 3	<i>July 1, 2002</i>
Sec. 4	<i>July 1, 2002</i>
Sec. 5	<i>July 1, 2002</i>
Sec. 6	<i>July 1, 2002</i>
Sec. 7	<i>July 1, 2002</i>
Sec. 8	<i>July 1, 2002</i>
Sec. 9	<i>July 1, 2002</i>
Sec. 10	<i>July 1, 2002</i>

FIN *Joint Favorable Subst.*

ED *Joint Favorable*